

### REMARKS

Before discussing the Claims of this case, applicant would like to address the requirement to submit corrected drawings. Applicant requests reconsideration and withdrawal of this requirement. It is submitted that the drawings as originally filed satisfy the requirements of 37 CFR 1.83(a).

The issue here is whether or not the drawings depict the concavely curved cavity walls of the reciprocating members engaged by the convexly curved outer peripheral wall of the outer race.

Attached hereto are copies of the drawing sheets 2/4, 3/4 and 4/4 as originally presented showing the concavely curved cavity walls of the reciprocating members identified in the specification by reference numerals 74, 76 highlighted in yellow.

Claims 1, 3, 5, 8 and 11 - 13 are now in the case. Of these claims, Claims 1, 11, 12 and 13 are independent claims. Claims 3 and 5 depend from Claim 1. Claim 11 has been allowed along with Claim 8 depending therefrom.

Claims 4 and 6 were indicated as having allowable subject matter and these claims have been rewritten respectively as independent Claims 12 and 13. Claim 12 incorporates the structure set forth in Claim 1 as previously amended along with the structure in intervening Claim 3 as previously amended and Claim 4, the latter now abandoned. Claim 12 recites that the

spaced reciprocating members have cavities receiving the outer race defined by concavely curved cavity walls engaged by the convexly curved outer peripheral wall of the outer race, the concavely curved cavity walls and the convexly curved outer peripheral wall of the outer race conforming in shape. As indicated above, it is believed that these claimed features are clearly shown in the drawings as originally presented.

Claim 13 incorporates the structure of Claim 6 indicated as allowable, Claim 1 (as previously amended) and formerly intervening Claims 3 and 5.

It is believed that Claim 12 and Claim 13 are clearly allowable.

Claim 1 has been substantially amended to recite structure not taught or suggested by the art of record, including Wahlmark. Wahlmark was used as the sole basis of rejection of Claim 1 as previously amended.

Currently amended Claim 1 recites that the outer race has spaced contact surfaces disposed in opposition to one another. It is further recited that each of the reciprocating members defines a cavity receiving the outer race and simultaneously frictionally engaging the spaced contact surfaces of the outer race.

It is additionally recited in Claim 1 (currently amended) that the spaced contact surfaces upon rotation of the

swash plate drive shaft exert opposed forces on the reciprocating members causing reciprocatable axial movement of the reciprocating members but not preventing rotation of the outer race about and relative to the swash plate drive shaft and relative to the housing.

Wahlmark discloses an arrangement wherein only a single contact surface is employed on the swash plate for each piston. This limits the mechanism to driving the pistons in only one direction. A return force such as fluid pressure on the piston or other positive means such as a spring is required to keep the piston in contact with the swash plate. Wahlmark states on page 4, lines 19 - 23, "to return the pistons through their suction strokes the annular surfaces 37 on the pistons serve as auxilliary pistons and are subjected to a fluid under pressure supplied by an auxilliary pump."

The arrangement now claimed in Claim 1 (currently amended) maintains a continuous operational relationship between both the spaced contact surfaces of the outer race and the reciprocating members; thus, the spaced contact surfaces upon rotation of the swash plate drive shaft exerts opposed forces on the reciprocating members causing reciprocatable axial movement of the reciprocating members.

That is, the structure set forth in Claim 1 (currently amended) allows the swash plate to both "drive" or push the

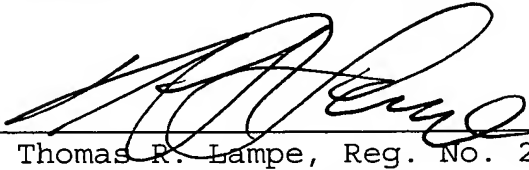
reciprocating members during the compression stroke and to "draw" or pull the reciprocating members back during the suction stroke, all the while maintaining contact between the swash plate and the reciprocating members to provide stability and reliability of operation.

Claim 3 depends from Claim 1 and thus incorporates by reference all of the structural elements and cooperative relationships set forth in that parent claim. Claim 3 recites that the outer race has a convexly curved outer peripheral wall extending between the contact surfaces. Claim 5 depends from Claim 3 and recites that the convexly curved outer peripheral wall of the outer race comprises a segment of a imaginary sphere. There is no teaching or suggestion whatsoever in Wahlmark or the other art of record of these features incorporated in the novel overall combination set forth in parent Claim 1 (currently amended).

In summary, it is believed that all claims now in the case are allowable. It is further submitted that the drawings satisfy the requirements of 37 CFR 1.83(a), showing every feature of the invention specified in the claims. This case is believed to be in condition for issuance of a Notice of Allowance and such action is earnestly solicited.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read 'T. R. Lampe', is written over a horizontal line.

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